IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 21ST AUGUST 2006 / 30TH SRAVANA 1928

Bail Appl..No. 5106 of 2006

AGAINST THE JUDGEMENT/ORDER IN WPC.31049/2003
CRIME NO. 57/2006 OF EXCISE RANGE, KOLLAM

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PETITIONER/ACCUSED:

MAJEED KUNJU, AGED 58 YEARS,
S/O. HYDROSE KUNJU, CHIRAYIL PUTHEN VEEDU,
NJARACKAL, PERINADU P.O., KOLLAM.

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENTS: COMPLAINANT & STATE:

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1. INSPECTOR, EXCISE ENFORCEMENT &
ANTI NARCOTIC SPECIAL SQUAD, KOLLAM.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/08/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A. 5106/2006

DATED THIS THE 21ST DAY OF AUGUST, 2006

O R D E R

When the application, under Section 438 Cr.P.C, came up for consideration, the learned Public Prosecutor submitted that the Investigating Officer had seized 385 liters of spirit from a car, occupied by the first accused, as well as from his house, kept for the purpose of the use of the second accused. Therefore, the Excise Inspector of Kollam Excise Range, registered C.R.No.57/2006 of that Excise Range and arrested the first accused. A disclosure statement was also recorded from the first accused, implicating the second accused, the petitioner, herein.

2. The learned counsel for the petitioner submitted that for the last few years, the Excise officials and the police of the locality are harassing him and this time also, just before Onam, he had been falsely implicated in the case, involving the offence under Section

55(a) of the Abkari Act. The counsel also, however, submitted that he had filed a writ petition, which is pending consideration, in which the prayer is to conduct an impartial investigation, by the Investigating Officer, so that the truth is brought out and the innocence of the petitioner is established. The counsel also submitted that the same is pending consideration.

3. In the above facts situation, I find that no order need be passed at this stage, as the entire materials, now available on record, are against the petitioner. It is for the Investigating Officer to investigate the matter, if any direction is given by the Court considering the writ petition. In such situation, the petitioner may approach this Court, for appropriate remedy.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs